

“Berger”) and therefore, does not make a contribution over the prior art. Applicants respectfully disagree.

Independent claim 1 of Group I is directed to a method for detecting and quantifying telomerase activity in a biological sample. The method comprises the steps of “adding the biological sample to a reaction tube comprising: a first reaction mixture comprising a first primer and nucleoside triphosphates; a second reaction mixture comprising a second primer and a DNA polymerase; and a wax layer separating the first reaction mixture from the second reaction mixture in the reaction tube.”

Independent claim 16 of group II is directed to a kit for detecting telomerase activity. The kit also comprises reaction tubes that comprise “a first reaction mixture comprising a first primer and nucleoside triphosphates; a second reaction mixture comprising a second primer and a DNA polymerase; and a wax layer separating the first reaction mixture from the second reaction mixture in the reaction tube.”

Burger generally describes a method for detecting telomerase activity in cancer cells. The method comprises the steps of lysing cells in a lysis buffer, incubating the cell lysate in a buffer to allow extension of the TS oligonucleotide, amplifying the incubated extended product by PCR, and detecting the amplified product by acrylamide gel analysis. Burger et al. does not teach or suggest using a reaction tube comprising “a first reaction mixture comprising a first primer and nucleoside triphosphates; a second reaction mixture comprising a second primer and a DNA polymerase; and a wax layer separating the first reaction mixture from the second reaction mixture in the reaction tube,” as recited in claims 1 and 16.

Accordingly, Applicants respectfully submit that (1) Group I and Group II claims relate to a single inventive concept under PCT Rule 13.1, and (2) Burger does not anticipate claims 1 and 16 because it does not disclose every limitation recited in claims 1 and 16.

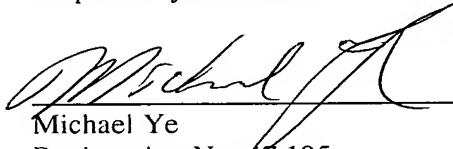
In the event that an elected claim is found to be allowable, Applicants reserve the rights to rejoin Group II claims under MPEP 821.04. Applicants reserve the right to prosecute the non-elected claims by filing one or more divisional applications.

In view of the above remarks, Applicants respectfully request examination of the current application on the merits and submit that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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